GRS IX-5]

Previous references. 1924 File No. 202-24
Mis 274-23-1-2 (Miscl) Serial Nos. 1-3

Later references.

14

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 3

Part B for

SUBJECT

Requests that the Legislative Department may be consulted in the matter of the Charities founded by Divisamma and Chaunamma of Vazigenahalli out of a private endowment of Rs 16,000/-

No 1470 dated 8-4-25 To the Mysore Com

The management cannot be taken over by Government

GENERAL AND REVENUE SECRETARIAT.

(Mys)

NOTES.

File No. 202-24

FILE HEADING.

Charities founded by Deviramma & Chennamma of Vadiyanahalli out of a private endowment of Rs 16000.

From

The Mys. Court in Mysore.

No. C. 881 Jud-25 Dated 16-1-25 Received 20-1-25

Diary No. 1205	Enclos.-	Spare Copies.	Serial No. /

BRIEF ABSTRACT OF LETTER.

Requests that the Legislative Deptt may be consulted as to whether the charities may be subjected to the control and supervision of Govt officers & payment of interest on trust money, which will now be invested in the State Loans or other securities as defined in Sec 20 of the Trust Act (II of 1882)

NOTES AND ORDERS.

The recorded file 274-23-(182) forming the ref... to this is put up. The opinion of the Legislative Deptt was communicated to the Mys Court on certain points raised by him viz, in the matter of revoking the trust & vesting the management o/s

NOTES—First Sheet.

3395/24

G. R. S. III 2]

WD 2310—GPB—10,000—31 5 24

General and Revenue Secretariat.

File No. 202 of 1924.

Serial No.

the trust in Govt. The Mly. Power having intimated the four deas of the charities, the views of the Legislature & the Govt. they now pray that, if the trust created by them cannot be revoked, the Govt may exercise some control over the actions of the Trustees by asking them to render accounts and also state that they are prepared to transfer to Govt, unconditionally their entire rights in the Trust created by them

2. The Mly. Power requests to be favoured with the views of the Legislative Deptt as to whether the charities may be subjected to the control & supervision of Govt & part of interest on the Trust money which will be now invested in the State Loan or other securities, now only on the satisfactory conduct of the charities.

3. The letters may, if approved, be sent to the L & L. Deptt for issue as requested by the Mly Power

Sd. J.
23.1.25

Sd. [illegible]
26.1.25

Legislative Deptt
Sd. [illegible]
28.1.25

Sd. [illegible]
28.1.25

NOTE—Contn. sheet

3373

G. R. S. III-2]

WD 2310—GPB—10,000—31-5-24

General and Revenue Secretariat.

File No. 202 of 1924.

Serial No.

5 The points for opinion are stated in the P-in-D.

6. In the light of the Representation made by the Donors the only course open seems to be for the D. C or the donors to institute a suit in the Civil court for any of the reliefs mentioned in S. 92, C. P. C.

7. As regards the point whether Govt. can take over the control & supervision of the Trust, kind reference is invited to the opinion of the A. G. at para 7 of the notes in the file put up.

Submitted.

25/2/25

8. The petitioners want Govt to exercise proper control over the action of the trustees who may be called upon to render accounts and (2) to transfer Shaheen rights which have come in the proper

NOTE—Contn. sheet.

Can such of the Branches be the Govt.

Q. W. in regard to (1) There is no provision in the Trusts Act under which Govt can exercise control over the action of the Trustees.

But Sec 92 C P C gives the Advocate General a power to file a Suit or to give sanction to 2 or more persons interested to file Suits, if necessary. So the power which the petitioners want the Govt to exercise ~~is already vested in the Advocate under Section 92 C.P.C~~ cannot be exercised except by Suit under Sec 92 C.P.C

W. in regard to (2), the question is whether the authors of the Trust have any Rights in the proper conduct of the charities.

10. When once a trust is created, the author of the trust leaves ~~leaves~~ any rights in the property entrusted in trust and he has also no control over the execution of the trust unless he is also a beneficiary. It is only the beneficiary & not the author of the trust who can enforce or release the trust. "A trust once finally created is, in such like equitable equivalent of a common law gift, and leaves no right in the creator of the ~~gift~~ it, as such, to enforce it"

See Underhill on Trusts page 13.

So the petitioners have ~~no~~ such any rights to sanction in pursuance of Govt.

11. I agree. Inform accordingly

4-3.

Murgai
~~Rao Scott~~

ST 4/3/25

General and Revenue Secretariat.

File No. 202 of 1924

Serial No.

12. Draft letter to the Mng: Comm on the lines of the above note, is subd.

8d 5.3.25 8d 5/3/25 13) Draft appd 6 3 25 pe 7.3. 7 3.25

Rev-Sec 15 Mch

187 7.3

14) Dmp sent + copy d 7/3/25

15) Issue 3.3.25

3 To the Mng. Commtee. No. 14 dt. 8.3.25. States that the management of the Estate cannot be undertaken by Govt as the case does not fall under any of the provisions of section 3 of the Mhuzrai Regn. That as regards the object of the petition are to have their rights in the matter of the proper conduct of the charities to grant, the petitioners have no such rights after the Estate is vested.

11/4

Serial No.

NOTE—Contn. Sheet

31201

No. C881/Mu-25 enclosures two

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 16th January 1925.

From

K. Chandy, Esquire., B.A.,

Muzrai Commissioner in Mysore.

Bangalore.

K. V. Anantaraman, Esquire., B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

Muz.202-24-1.

With reference to your letter No.277/M.F.274-23-2 dated 22nd August 1924 forwarding the copy of a memo containing the opinion of the Legislative Secretary to Government in the matter of certain charities founded by Deviramma and Chennamma of Vadigenahalli, I have the honor to state that the Donors were given an endorsement in terms of the Legislative Secretary's opinion (vide copy enclosed), the Deputy Commissioner being requested to call upon the Trustees to with-draw the amount invested in the Bank at Vadigenahalli and to reinvest it in the manner provided for in Sec.20 of the Indian Trust Act. The result of the notice issued to the Trustees has not yet been communicated to me by the Deputy Commissioner and he has been written to in the matter.

2. The Donors have again presented the accompanying petition praying that if the Trust said to have been created by them cannot be revoked, the Government may exercise proper control over the actions of the Trustees who may be called upon to render an account of their management. The petitioners further say that what-ever rights they have in the proper conduct of the charities, they are prepared to transfer such rights to Government without any reservations as they leave no heirs behind them.

3. In the circumstances now represented by the Donors, I request you to be so good as to consult the Legislative Department and to favour me with orders of Government as to whether the charities

charities founded by the petitioners may be subjected to the control and supervision of Government officers and the payment of interest on trust money, which will now be invested in Mysore Loan Papers or in other securities as defined in Sec.20 of the Trust Act (II of 1882), made contingent upon the satisfactory conduct of the ---- stipulated charities and the submission of accounts and periodical reports.

4. The favour of an early reply is requested.

I have the honor to be,

S i r,

Your most obedient servant,

Muzrai Commissioner.

KSR.

Endorsement dated 11th October 1934 from the Muzrai Commissioner in Mysore to Chennamma of Nagarthapet, Bangalore City.

"In reply to her petition dated 16-2-24, praying that certain -- charities founded by her and her mother Deveeramma towards the conduct of which they have paid Rs.16000/- to Chika Veeramma and others of Vadigenahalli in the Devanahalli Taluk, may be taken under Government management under Sec.3 (1) of the Muzrai Regulation, Chennamma, Nagarthapet, Bangalore City, is informed that the Trust already created by her cannot be revoked and that action under the provisions of the Code of Civil Procedure Code has to be taken for claiming any of the reliefs specified in Sub Section (1) of Sec.92 and that as the investment of Trust money in the shares of private Bank is not only not authorised in the Instrument of Trust but is also illegal, the Trustees are being called upon to withdraw the amount from the Bank and invest it in the manner provided for in Sec.20 of the Indian Trusts Act:"

"C o p y

Muzrai Commissioner. 16/1/25

C 881 07-24-5
12-1-25

1. Ask R (5 refer whether keen funds have been received (answer Gov Advocate re para 2
2. M.R.

To 12/1/25

K. Chandy, Esq., B.A.,

12/1/25 Muzrai Commissioner in Mysore,

BANGALORE.

Honoured Sir,

We beg to state that my mother and myself are extremely grateful to you for the keen interest you have evinced in the perpetuation of the humble charities founded by us and it is really our misfortune that things should not assume a definite shape. We are poor, helpless widows and in our present impoverished condition and helplessness it is out of question for us to take action under Section 92 of the Civil Procedure Code as indicated in your kind endorsement of the 11th October 1924.

2. Now that the trustees have been called upon to withdraw the amount unauthorizedly invested in the bank for speculative purposes and to reinvest it in the manner provided for in Section 20 of the Indian Trust Act, we beg to submit that if the trust - which is after all a bogus one forcibly taken from us - cannot possibly be revoked under the ordinary Laws of the country, we pray that at least in its unbounded generosity the Government may graciously exercise - proper control over the actions of the so-called - trustees who may be called upon to render an account of their management. In our supreme ignorance we hope that the humble request of ours is not opposed to the prevailing practice as the first concern of the Muzrai Department is to safeguard and protect the charities of a public and beneficial nature. As Founders of the charities we are led to believe

that

that notwithstanding the provisions of the Trusts Act we have an inherent right to enquire into and to satisfy ourselves that the stipulated charities are properly conducted and it is such right that we want now to transfer to Government without any reservations, as we have our own apprehensions about the conduct of the charities in an unimpaired condition after our demise, as we ~~h~~ leave no heirs behind us.

3. It is nearly three months since we received your kind endorsement and we do not know whether the amount in the Bank has been withdrawn and invested as directed.

In conclusion, we crave indulgence for having encroached upon your patience and valuable time ever so many times and the only excuse for us for doing so is that we have no support from any other person than Your Gracious Honour.

We beg to remain,
Honoured Sir,
Your most obedient servants,

Left thumb impression of Deveeramma.

BANGALORE,
10th January 1925.

Left thumb impression of Chennamma.

No. C 881/24-25 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 29th January 1925.

From

K. Chandy, Esquire., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

To

K. V. Anantaraman, Esquire., B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

In continuation of this office letter C.No.881 of 24-25 dated 16th January 1925 regarding the charities founded by Deviramma and Chennamma of Vadigenahalli, I have the honor to forward herewith - copy of letter O.C.No.1416 of 24 dated 22nd January 1925 from the -- Deputy Commissioner, Bangalore District, intimating that the Public Prosecutor has been requested to send a draft of the notice to be served on the Trustees of the Bank to reinvest the Funds as provided for in Section 20 of the Trusts Act and that the result will be ---- intimated as early as possible.

I have the honor to be,

Sir,

Your most obedient servant,

K Chandy

Muzrai Commissioner.

KSR.

The Muz: Comr's letter referred to above with the Muz: file 202-24 on the subject was subd. to the L&L Secretary on 28/1/25. The M.C.'s further communication will be awaited.

This may also be sent to the L&R Secy.

Comp.

Await

Letter No.O.C.1416/24-25 dated 22nd January 1925 from the Deputy Commissioner Bangalore District to the Muzrai Commissioner in Mysore.

"With reference to your letter No.C.881 of 1924-25 dated 16th January 1925, regarding the re-investment of certain trust funds - founded by Deviramma and Channamma, I have the honor to state that the Public Prosecutor has been requested to furnish me with the draft of the notice to be issued to the trustees. On receipt of his reply, the notice will be caused to be served on the trustees and the result intimated to you as early as possible

"C o p y"

for Muzrai Commissioner. 30/1/25.

KSR.

G. R. S. VI- G-32]

B50—WD 0527

SUBJECT

Diary No. of letter replied to 1205

Section Muz.

File No. 202-24.

Serial No. 9

General and Revenue Secretariat

(Muz)

, the 192 .

No. 1470

Date of issue 8.4.25

Signed by Mor T.R.

To The Muz: Comr. in Mysore

Bangalore.

Sir,

With reference to your letter no. C. 881 of 24-25 & 16.1.25 submitting the further representation of Deviramma & Chennamma of Tadigenalli with regard to the management of the charities founded by them, I am directed to state, with regard to their request that Govt. should exercise proper control over the action of the trustees, who may be called upon to render accounts, that there is no provision in the Trust Act under which Govt can exercise control over the action of the Trustees; but that section 92 C.P.C.

over

(Please convey the opinion of the Legislative Deptt, which is as follows:- That Govt

I am directed to state that the management of the trust in question cannot be taken over by Govt for any

but the Trustees can be sued under section 92 of the Civil Procedure Code by any of the persons

given. By Comm. a power to
[illegible] a suit or to give sanction
to two or more persons interested
to file suits if necessary; and that
the power which the petitioners
want the Govt to exercise cannot
therefore be exercised except by
suit under section 92 C.P.C.

As regards the offer of the petitioners
to transfer whatever rights they
have in the proper conduct of the
charities to the Govt, I am to state that
when once a trust is created,
the author of the trust ceases
to have any rights in the property
conveyed in trust & he has also and that
no control over the execution of
the trust unless he is also a bene-
ficiary; and that it
is only the beneficiary
& not the author of the trust
that can enforce or release the
trust. "A trust once finally created is
in fact the equitable equivalent
of a common law gift and leaves
no right in the creator of it, as
such, to enforce it" So, the petitioners have therefore not
petitioners have not got any rights to transfer [illegible] in favour of Govt.

I have etc

Secretary
Rev. Deptt

6/3/25

8D
5/3/25

5/3/25